

ALLTEL COMMUNICATIONS, INC.

One Allied Drive
Little Rock, AR 72202



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November 17, 2003

VIA OVERNIGHT MAIL

Mr. Ron Jones
Director
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, Tennessee 37243-0505

RE: Workshop to Gather Information from the Telecommunications Industry
Related to Preventing Violations Tenn. Code Ann. § 65-21-114
Docket No. 03-00502

Dear Mr. Jones:

Enclosed please find the original and thirteen copies of ALLTEL Communications, Inc.'s comments in response to the TRA's Notice of Filing dated November 12, 2003 in the above captioned docket.

Respectfully Submitted,

Rohan Ranaraja

Rohan Ranaraja
Manager -State Government Affairs
ALLTEL Communications, Inc.

BEFORE THE
TENNESSEE REGULATORY AUTHORITY
NASHVILLE, TENNESSEE

Docket No. 03-00502

IN RE:

Workshop to Gather Information from)	
the Telecommunications Industry Related)	Comments of
to Preventing Violations Tenn. Code)	ALLTEL Communications, Inc.
Ann. § 65-21-114)	

ALLTEL Communications, Inc. ("ALLTEL") submits the following comments, in response to the Notice of Filing issued November 12, 2003, concerning the applicability of Tenn, Code Ann. § 65-21-114 to long distance telecommunications service providers.

The statute requires any telephone call made between two points within the same county to be classified as toll free and not be billed to the end-user. On July 20, 2001 the Office of the Attorney General for the State of Tennessee issued Opinion No. 01-115 that addressed the constitutionality of Tenn, Code Ann. § 65-21-114. The Attorney General's Opinion concluded "it would be unconstitutional to apply this statute to a long distance telephone carrier under circumstances where the carrier does not receive reasonable remuneration for the service it is required to provide". Thus, it is clear that the TRA cannot require long distance providers to comply with Tenn, Code Ann. § 65-21-114 unless long distance providers are compensated for completing such calls.

In his opinion, the Attorney General also stated "the bottom line is that to implement toll-free countywide calling for all customers in the counties divided by LATA boundaries, some mechanism would have to be devised to provide compensation for the long distance telephone carriers for completing the calls". ALLTEL submits that

even if the TRA were to devise a compensation mechanism to compensate long distance providers, complying with Tenn, Code Ann. § 65-21-114 would be very expensive and, therefore, is likely to outweigh any benefit to the customer. In light of all the choices available to the long distance customer in today's market place, ALLTEL requests the TRA to exempt long distance service providers from the requirements in Tenn, Code Ann. § 65-21-114.